

RESPONSE TO SECOND FINAL OFFICE ACTION

SERIAL NO.: 09/208,696; APPLICANT: Yasuyuki Sekine; AU 3711

EXAMINER: Collins, D.; ATTY. DKT.: RM.HPK; FILED: December 10, 1998

C2 display sequences of respective second and third pluralities of symbols in respective predetermined display sequences at respective determined display rates that are sufficiently fast that the player will not readily distinguish a singular presentation of any of the symbols, preselected second and third symbols of respectively associated ones of said second and third pluralities of symbols are each correlated to a respective associated one of the second and third ones of said plurality of predetermined game states, two of each of the second and third preselected symbols of said second and third pluralities of symbols being presented twice in succession in respective ones of said second and third display elements

5. (Canceled)

6 (Twice Amended) The gaming machine according to claim 4, wherein at least one of the preselected second and third symbols is distinguished by a special appearance that differs from that of the other symbols.

C4 7. (Thrice Amended) The gaming machine according to claim 11, wherein at least one of the preselected second and third symbols is presented three times in succession.

8. (Canceled)

9. (Canceled)

10. (Canceled)

REMARKS

Amendments are presented herein to improve the form of the subject application and in response to the Examiner's comments in the above-identified Office Action.

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The Examiner's Response to Applicant's Prior Arguments

Applicant's arguments filed 9/14/2000 have been fully considered by the Examiner but they are not persuasive. According to the Examiner, Applicant's arguments are predominantly based on whether a symbol is special or not. Identification or the labeling of a symbol is a matter of choice. The Examiner states that even though Applicant does not consider the "Melon" to be special, it could be if designated to be so. Examiner therefore feels that any symbol occurring serially may be special (by choice).

The Examiner continues by stating that Applicant argues that "Melon" is "shown twice in successions of four representations" therefore it cannot be considered special. Examiner disagrees with that posture since it is still a matter of design choice, however, according to the Examiner, the Murphy, et al reference overcomes the limitation of a "singular presentation of any of a plurality of symbols" (see figure 2).

Applicant respectfully disagrees with the Examiner's conclusion, as it fails to take into consideration the specific intended meaning of a "special" symbol in the context of the present invention. More specifically, as will be discussed hereinbelow, whether or not a symbol is "special" is not based on arbitrary designation, and a symbol is not made special merely by sequential representation thereof on the reel.

Claim Rejections- 35 U.S.C. § 102

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as specifying subject matter considered by the Examiner to be anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as specifying subject matter considered by the Examiner to be obvious Japanese Patent No. JP 405,068,733 ("Sankyo K.K."). The Examiner states that the Sankyo, K.K. reference discloses as the invention,

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a slot machine and teaches a display that has two or more identical symbols appearing serially.

According to the Examiner, this is shown in the main figure of the reference

The Examiner continues by stating that the Sankyo, K.K. reference discloses the claimed (display) invention with the exception of the teaching of two or more identical special symbols in all three columns. According to the Examiner, would be obvious to one of ordinary skill in the art at the time of the invention to duplicate the teaching of two or more identical special symbols shown in the right and left columns (drums) as shown in the aforementioned figure, since it has been broadly held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Additionally, the Examiner states that the serially appearing symbols of the disclosure of the Sankyo, K.K. reference could be considered special for the purpose of this invention. The Examiner continues by stating that, alternatively, ...

Claim Rejections - 35 U.S.C. § 103

Claim 1 stands rejected under 35 U.S.C. § 103(a) as specifying subject matter considered by the Examiner to be obvious over the Sankyo K.K. reference in view of United States Patent No. 4,051,939 ("Murphy, *et al*") The Examiner states that the Murphy, *et al* reference discloses a Coin Or Token Operated Amusement Device. The disclosed device, according to the Examiner, clearly shows a singular presentation of a plurality of symbols (see figure 2).

The Examiner concludes by stating that it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the machine of the Sankyo, K.K. reference to include a singular presentation of a plurality of symbols. The motivation for such, according to the Examiner, would be to add excitement for the players.

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Applicant's Response to Second Final Office Action

Applicant presents, in tabular form, an analysis of the present condition of the claims showing that the claim amendments and the new claims do not introduce new matter and do not present any subject matter that would require additional consideration and/or search on the part of the Examiner.

<i>Parsed Claims</i>	<i>No New Matter (see specification page:line)</i>	<i>No Further Search or Consideration</i>
11 (New) A gaming machine for the playing of a game by a player, the game having a plurality of predetermined game states, the gaming machine comprising:	Gaming machine (Fig. 2; 1:1; <i>et seq.</i>) Game state (5:3; 5:8; 11:3-12; and 12:10 to 13:2)	Claim 10 (now canceled) related to a gaming machine Original claim 1 related to a "predetermined condition of a game."
a display portion having a winning line, the display portion providing indication of a plurality of symbols,	Display portion is shown in Fig. 2. All original claims were directed to a "display for game."	All original claims were directed to a "display for game"
a preselected one of said plurality of symbols being correlated to an associated one of the plurality of predetermined game states,	"preselected ... symbol" is the "special symbol." See, 4:20 game state (5:3; 5:8; 11:3-12; and 12:10-13:2)	"Special ... symbol" is referenced in all of the original claims. Original claim 1 related to a "predetermined condition of a game."

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Parsed Claims***No New Matter
(see specification
page:line)******No Further Search or
Consideration***

a display element viewable in said display portion for presenting the plurality of symbols in a predetermined display sequence at a determined display rate sufficiently fast that a player will not readily distinguish a singular presentation of any of the plurality of symbols,

see, Fig. 1

Original claim 1 related to a "plurality of symbols is indicated in such manner that two or more of identical symbols be appeared serially one after another in the direction to be moved on the display portion "

the preselected one of said plurality of symbols being presented twice in succession in the predetermined display sequence so as to be distinguishable by the player at the determined display rate; and

see, 4-12-16

Original claim 1 related to a "plurality of symbols is indicated in such manner that two or more of identical symbols be appeared serially one after another in the direction to be moved on the display portion "

a player-actuatable stop arrangement for initiating a stop of the predetermined display sequence whereby one of the plurality of symbols will be stopped on the winning line of the display portion.

see, Fig. 2 and specification
10:18-20 (stop
buttons)

The stopping of the movement of the symbols was present in original claim 4

12 (New) The gaming machine of claim 11, wherein the preselected one of the symbols has a special appearance that is distinguishable from the appearances of the others of the plurality of symbols.

"appearance that is
distinguishable," see
6:16-18.

The subject matter of "distinguishable appearance" was present in original claim 5.

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<i>Parsed Claims</i>	<i>No New Matter (see specification page:line)</i>	<i>No Further Search or Consideration</i>
13. (New) The gaming machine of claim 11, wherein the preselected one of the symbols has a special color that is distinguishable from the color of the others of the plurality of symbols.	see, 6:16-18	The subject matter of "distinguishable appearance" was present in original claim 5
14. (New) The gaming machine of claim 11, wherein the preselected one of the symbols has a special size that is distinguishable from the size of the others of the plurality of symbols.	see, 6:16-18	The subject matter of "distinguishable appearance" was present in original claim 5
15. (New) The gaming machine of claim 11, wherein the preselected one of the symbols is arranged to stop in response to said player-actuatable stop arrangement in a displaced relation with respect to the winning line of the display portion that is distinguishable from the displaced relation with respect to the winning line of the display portion at which the others of the plurality of symbols are stopped.	see, 6:16-18	The stopping of the movement of the display was present in original claim 4, and in amended claim 1 (See, Applicant's first Response to Office Action)
2. (Thrice Amended) The gaming machine according to claim 11, wherein the predetermined condition of the game corresponds to a loss for the player.	This subject matter was present in this claim since the filing of the case.	This subject matter was present in this claim since the filing of the case.
3. (Thrice Amended) The gaming machine according to claim 11, wherein the predetermined condition of the game corresponds to a win for the player.	This subject matter was present in this claim since the filing of the case.	This subject matter was present in this claim since the filing of the case.

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<i>Parsed Claims</i>	<i>No New Matter (see specification page:line)</i>	<i>No Further Search or Consideration</i>
4. (Thrice Amended) The gaming machine according to claim 11, wherein there are further provided second and third display elements viewable in said display portion for presenting display sequences of respective second and third pluralities of symbols in respective predetermined display sequences at respective determined display rates that are sufficiently fast that the player will not readily distinguish a singular presentation of any of the symbols, preselected second and third symbols of respectively associated ones of said second and third pluralities of symbols are each correlated to a respective associated one of the second and third ones of said plurality of game states, two of each of the second and third preselected symbols of said second and third pluralities of symbols being presented twice in succession in respective ones of said second and third display elements.	This subject matter was present in this claim since the filing of the case.	This subject matter was present in this claim since the filing of the case.
6. (Twice Amended) The gaming machine according to claim 4, wherein at least one of the preselected second and third symbols is distinguished by a special appearance that differs from that of the other symbols.	This subject matter was present in this claim since the filing of the case.	This subject matter was present in this claim since the filing of the case.
7. (Thrice Amended) The gaming machine according to claim 11, wherein at least one of the preselected second and third symbols is presented three times in succession.	This subject matter was present in original claims 7-9 since the filing of the case.	This subject matter was present in original claims 7-9 since the filing of the case.

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Applicant respectfully asserts that the present amendments to the claims, as well as the newly added claims, do not introduce new matter into the case, and do not require further consideration and/or search on the part of the Examiner. Accordingly, it is believed that these amendments and new claims, as will be established hereinbelow, should be entered as they are directed to placing the case in allowable condition.

With respect to the Examiner's application of prior art, Applicant respectfully notes that new claim 11, which is the only independent claim in the case, specifies subject matter that is not taught or suggested by the prior art of record. More specifically, new independent claim 11 specifies that "a preselected one of said plurality of symbols ... [is] correlated to an associated one of the plurality of game states." The Sankyo, K.K. reference does not teach or suggest that a preselected symbol is made special by correlation thereof to an established game state. Additionally, it is respectfully asserted that the claimed correlation between the special (preselected one) symbol and the established game state overcomes the Examiner's assertion, to the extent understood, that "any symbol occurring serially may be special (by choice)." Such is clearly not the case in the claimed invention.

As noted, the Examiner's assertion is not entirely understood, as it appears to state that any symbol can merely be declared to be "special," at any time during the play of the game. This is understood to be, by way of example, that in a three drum display, if a particular symbol is present at each of the first two stopped drums, then the symbol becomes "special" because it will represent a winning game state should the third drum also be stopped on the same symbol. This hypothetical form of "special" symbol is obviated by the language of new independent claim 11 which states that the preselected one of the plurality of symbols (*i.e.*, the "special symbol") is correlated to a "predetermined" game state. This claim language, therefore, eliminates the "game state" that occurs

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by happenstance in response to the stopped condition of a prior symbol drum from being considered the claimed game state, as such a chance game state is not "predetermined."

In addition to the foregoing, it is noted that the Murphy, *et al.* reference does not add anything to the Sankyo, K.K. reference that would render independent claim 11 not to be patentable for the reasons stated herein. More specifically, it is evident from the foregoing that neither the multiply replicated presentation of the Sankyo, K.K. reference, nor the singular presentation of the Murphy, *et al.* reference, serves to establish any given symbol as "special," according to independent claim 11. Only its pre-correlation to a "predetermined" game state will suffice to make the symbol special.

Accordingly, it is respectfully asserted that independent claim 11 is in allowable condition. Additionally, the remaining claims all depend, directly or indirectly, from independent claim 11, and accordingly these dependent claims contain all of the limitations of independent claim 11. These claims therefore are in allowable condition for the same reasons as set forth herein, and the Examiner's rejection of claims under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) has been overcome.

Cited Prior Art

The prior art made of record and not relied upon is considered by the Examiner to be pertinent to Applicant's disclosure. Murphy, *et al.*, Hooker, Kimura, Olympia and Kabushiki Kaisha Ace Denken are cited to show the state of art with respect to features of the claimed invention. Applicant has studied the prior art references cited by the Examiner and has determined that these references, irrespective of whether they are viewed singularly or in combination with any other reference(s) of record do not teach or suggest the claimed invention.

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Conclusion

In view of the foregoing, it is respectfully requested that the Examiner reconsider the present application, allow the claims, and pass the application for issue. If the Examiner believes that the prosecution of this case can be expedited by a telephone interview, the Examiner is requested to call attorney for Applicant at the telephone number indicated hereinbelow.

Respectfully submitted,



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Annexure 1 - Claims Rewritten to Show Amendments

1. (Canceled) (Twice Amended) ~~A display for a game of the type having a display portion for producing a movable indication of a plurality of symbols that are necessary for the playing of the game, the display showing the plurality of symbols, the symbols being displayed in a predetermined sequence and in a predetermined direction of motion and at a rate of motion sufficiently fast that a player will not readily distinguish a singular presentation of any of the plurality of symbols, wherein there is further provided among the plurality of symbols a special kind of symbol that is indicated in the display portion two or more times in sequence during the movable indication of the plurality of symbols, the special kind of symbol corresponding to an increased likelihood of a predetermined condition of the game, whereby the player is enabled to perform an effective stop operation.~~

2. (Thrice Amended) The gaming machine [display for a game] according to claim [1] 11, wherein the predetermined condition of the game corresponds to a loss for the player.

3. (Thrice Amended) The gaming machine [display for a game] according to claim [1] 11, wherein the predetermined condition of the game corresponds to a win for the player.

4. (Thrice Amended) The gaming machine [display for a game] according to claim [1] 11, wherein there are further provided [first,] second[,] and third display elements viewable in said display portion for presenting display sequences of respective second and third pluralities of symbols in respective predetermined display sequences at respective determined display rates that are sufficiently fast that the player will not readily distinguish a singular presentation of any of the symbols, preselected second and third symbols of respectively associated ones of said second and third pluralities of symbols are each correlated to a respective associated one of the second and third

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ones of said plurality of game states, two of each of the second and third preselected symbols of said second and third pluralities [among the special kind of symbols are indicated in such manner that two or more of respective identical ones of the special kind] of symbols being presented twice in succession in respective ones of said second and third display elements [appear serially one after another in first, second, and third columns, respectively, the first symbol being a constituent of a specified combination of symbols that is indicated on the display portion when movement of the symbols has been stopped, the second symbol being a constituent of another specified combination of symbols that is indicated on the display portion when movement of the symbols has been stopped, and the third symbol being a constituent of the other specified combination of symbols that is indicated on the display portion when movement of the symbols has been stopped].

5. (Canceled) (Amended) ~~The display for a game according to claim 1, wherein the special kind of symbol is distinguished by a special appearance that differs from that of the other symbols.~~

6. (Twice Amended) The gaming machine [display for a game] according to claim 4, wherein at least one of the preselected second and third symbols [the special kind of symbol] is distinguished by a special appearance that differs from that of the other symbols.

7. (Thrice Amended) The gaming machine [display for a game] according to claim [1] 11, wherein at least one of the preselected second and third symbols [the special kind of symbol] is presented [indicated in such manner that] three [or more of identical symbols appear serially one after another] times in succession [the direction of movement of the display portion].

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8. (Canceled) (Twice Amended) ~~The display for a game according to claim 4, wherein the special kind of symbol is indicated in such manner that three or more of identical symbols appear serially one after another in the direction of movement of the display portion.~~

9. (Canceled) (Twice Amended) ~~The display for a game according to claim 5, wherein the special kind of symbol is indicated in such manner that three or more of identical symbols appear serially one after another in the direction of movement of the display portion.~~

10. (Canceled) (Amended) ~~A gaming machine having a display portion for movable indication of a plurality of symbols in a predetermined sequence necessary for game in a certain direction, wherein a special kind of symbol among the plurality of symbols is indicated in such manner that two or more of identical symbols be recognizably appeared serially one after another in the direction to be moved on the display portion for a player to perform an effective stop operation~~

11 (New) A gaming machine for the playing of a game by a player, the game having a plurality of game states, the gaming machine comprising:

a display portion having a winning line, the display portion providing indication of a plurality of symbols, a preselected one of said plurality of symbols being correlated to an associated one of the plurality of game states;

a display element viewable in said display portion for presenting the plurality of symbols in a predetermined display sequence at a determined display rate sufficiently fast that a player will not readily distinguish a singular presentation of any of the plurality of symbols, the preselected one of said plurality of symbols being presented twice in succession in the predetermined display sequence so as to be distinguishable by the player at the determined display rate; and

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a player-actuable stop arrangement for initiating a stop of the predetermined display sequence whereby one of the plurality of symbols will be stopped on the winning line of the display portion.

12. (New) The gaming machine of claim 11, wherein the preselected one of the symbols has a special appearance that is distinguishable from the appearances of the others of the plurality of symbols.

13 (New) The gaming machine of claim 11, wherein the preselected one of the symbols has a special color that is distinguishable from the color of the others of the plurality of symbols.

14. (New) The gaming machine of claim 11, wherein the preselected one of the symbols has a special size that is distinguishable from the size of the others of the plurality of symbols.

15. (New) The gaming machine of claim 11, wherein the preselected one of the symbols is arranged to stop in response to said player-actuable stop arrangement in a displaced relation with respect to the winning line of the display portion that is distinguishable from the displaced relation with respect to the winning line of the display portion at which the others of the plurality of symbols are stopped.
